

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

NO. 5:06-CR-147-1-BR

UNITED STATES OF AMERICA,)

)

)

v.)

)

XAVIER VIDAL JENNETTE,)

)

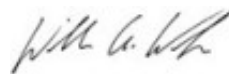
)

)

ORDER

This cause comes before the Court upon Defendant's petition for the issuance of a writ of habeas corpus ad testificandum with respect to Anthony Durand Wallace (DE-255). Defendant indicates that he intends to call Mr. Wallace as a fact witness during his resentencing hearing. However, Defendant has failed to indicate whether Mr. Wallace is currently represented by counsel, and, if so, if counsel has been contacted prior to the filing of the instant motion. Nor has Defendant indicated whether Mr. Wallace has agreed to testify, and, if so, what the substance of his testimony would be. For these reasons, the instant motion (DE-255) is DENIED WITHOUT PREJUDICE.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Wednesday, March 16, 2011.



WILLIAM A. WEBB
UNITED STATES MAGISTRATE JUDGE